

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

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GREGORY AND REBEKAH BOWE,	)	
	)	Case No.: 2:22-cv-04266
Plaintiffs,	)	
	)	Chief Judge Algenon L. Marbley
v.	)	
	)	
CROSS RIVER BANK, <i>et al.</i>	)	
	)	
Defendants.	)	

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**DEFENDANT TRIVEST PARTNERS, L.P.'S NOTICE OF  
SUPPLEMENTAL AUTHORITY IN SUPPORT OF ITS MOTION TO DISMISS**

Defendant Trivest Partners, L.P. (“Trivest”) submits this Notice of Supplemental Authority in support of its Motion to Dismiss Plaintiffs’ Complaint. *See* ECF No. 8. On May 5, 2023, Judge Dan Aaron Polster, a federal district court judge in the Northern District of Ohio, granted Trivest’s motion to dismiss based on the first-to-file rule, in a case filed against Trivest by the same plaintiffs’ counsel with almost identical allegations and causes of action to this case. *Tonya Davis v. Technology Credit Union, et al.*, Case No. 5:22-cv-2206, 2023 WL 3276600, \*1-3 (N.D. Ohio May 5, 2023), attached as **Exhibit A**.

In *Davis*, Trivest argued that the application of the first-to-file rule is appropriate because the first-filed action in Michigan is seeking class certification for a broad, nationwide class that would include plaintiff, just as it does here. *See id*; *see also Aaron Hall, et al., v. Trivest Partners L.P., et al.*, United States District Court for the Eastern District of Michigan, Case No. 4:22-cv-12743-FKB-CI. Judge Polster agreed and dismissed the plaintiff’s case finding that all three factors under the first-to-file rule weighed in favor of applying the rule to the *Davis* case: “[t]he Court finds that the first-to-file rule applies and warrants dismissal without prejudice of the plaintiff’s case.” *Id.* at 6.

Trivest, therefore, respectfully submits this notice of supplemental authority and requests that this Court take notice of the *Davis* decision.

Dated: May 10, 2023.

Respectfully Submitted,

/s/ Trevor G. Covey

Trevor G. Covey (0085323)

Nora K. Cook (0086399)

BENESCH, FRIEDLANDER, COPLAN &  
ARONOFF LLP

200 Public Square, Suite 2300

Cleveland, Ohio 44114

Tel.: 216.363.4500

Fax: 216.363.4588

tcovey@beneschlaw.com

ncook@beneschlaw.com

R. Trent Taylor (*pro hac vice forthcoming*)

MCGUIREWOODS LLP

Gateway Plaza

800 East Canal Street

Richmond, VA 23219-3916

(804) 775-1182

rtaylor@mcguirewoods.com

*Attorneys for Defendant Trivest Partners,  
L.P.*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 10, 2023, I electronically filed the forgoing with the Clerk of Court using the Court's ECF system, which will send notification of such filing to all counsel of record.

Respectfully submitted,

/s/ Trevor G. Covey

Attorney for Defendant Trivest Partners,  
L.P.